



Entered on Docket
November 01, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Twelfth Omnibus
Objection Of USACM Trust To Duplicate
Proofs Of Claim**

Hearing Date: October 18, 2011

Hearing Time: 1:30 p.m.

The Court having considered the "Twelfth Omnibus Objection Of USACM Trust To Duplicate Proofs Of Claim [DE 9064] (the Objection) at the hearing held on October 18, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing it is:

IT IS ORDERED that:

1. The Objection [DE 9064] is sustained;

1 2. **Exhibit A**, attached, lists Proofs of Claims that appear to be duplicates of
2 other proofs of claims that were filed by the same creditors in the USACM bankruptcy
3 estate;

4 3. **Exhibit A** identifies the claimant, the claimant's address, the claim number,
5 the amount of the duplicate claim, the basis for the objections, the claim number that the
6 USACM Trust counted as a valid claim and processed accordingly; and,

7 4. The duplicate Proofs of Claims listed on **Exhibit A** are disallowed in their
8 entirety.

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11
12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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Proof of Claim Being Disallowed as Duplicate	Claimant's Name and Address	Duplicate Claim Amount	Basis for Objection	Processed Claim Number ¹	Processed Claim Amount ¹
10725-01168-2	Capital Mortgage Investors Inc 2999 NE 191St St Ste 905 Aventura, FL 33180-3115	12,951.80	Claim 10725-01168-2 is based on an investment in Bay Pompano. The claim is a duplicate of claim 10725-01168. The claim was erroneously filed twice. Claim 10725-01168 was allowed due to being matched to an allowed claim listed on the debtor's third amended schedule F-1.	10725-01168-2	12,951.80
10725-01194-2	KPT Irrevocable Trust Dtd 7/16/99 C/O Karen Petersen Tyndall Ttee 1012 Greystoke Acres St Las Vegas, NV 89145-8659	202,866.38	Claim 10725-01194-2 is based on investments in Gramercy Court and I-40 Gateway West, the claim is a duplicate of claim 10725-01194. The claim was erroneously filed twice. The USACM Trust requests this claim be disallowed in its entirety. Claim 10725-01194 has been resolved per orders disallowing claims based on the Gramercy Court and I-40 Gateway West loans.	10725-01194	202,866.38
10725-01204-2	Royal Landholdings LLC C/O Daniel J Mccarthy 300 S Grand Ave 37Th FL Los Angeles, CA 90071	7,910,109.00	Claim 10725-01204-2 was filed as a general unsecured claim. The claim is a duplicate of claim 10725-01204. The claim was erroneously filed twice. A stipulation was entered with the creditor to disallow Claim 10725-01204.	10725-01204	7,910,109.00
10725-01204-3	Royal Landholdings LLC C/O Daniel J Mccarthy 300 S Grand Ave 37Th FL Los Angeles, CA 90071	7,910,109.00	Claim 10725-01204-3 was filed as a general unsecured claim. The claim is a duplicate of claim 10725-01204. The claim was erroneously filed twice. A stipulation was entered with the creditor to disallow Claim 10725-01204.	10725-01204	7,910,109.00
10725-01210-2	Molina, Sergio & Irene Schmucker PO Box 859 12150 S Dart Rd Molalla, OR 97038	50,000.00	Claim 10725-01210-2 is based on an investment in Elizabeth May and is a duplicate of claim 10725-01210. The claim was erroneously filed twice. Claim 10725-01210 has been resolved per an order disallowing claims based on the Elizabeth May loan.	10725-01210	50,000.00

¹Claim may have been disallowed or allowed by order of this Court.

EXHIBIT A

2445877.1

Proof of Claim Being Disallowed as Duplicate	Claimant's Name and Address	Duplicate Claim Amount	Basis for Objection	Processed Claim Number ¹	Processed Claim Amount ¹
10725-01211-2	Molina, Sergio & Irene Schmuker PO Box 859 12150 S Dart Rd Molalla, OR 97038	50,000.00	Claim 10725-01211-2 is based on an investment in Bundy Canyon \$5,725,000 and is a duplicate of claim 10725-01211. Claim 10725-01211 was included in the objection to claims based on the Bundy Canyon \$5,725,000 loan.	10725-01211	50,000.00
10725-01241-2	Bolding, William & Carolyn 3961 Arizona Ave Las Vegas, NV 89104	50,466.67	Claim 10725-01241-2 is based on an investment in HFA Clear Lake and is a duplicate of claim 10725-01241. Claim 10725-01241 was included in the objection to claims based on the HFA Clear Lake loan.	10725-01241	50,466.67
10725-01275-2	Bolding, William & Carolyn 3961 Arizona Ave Las Vegas, NV 89104	48,047.32	Claim 10725-01275-2 is based on an investment in the DTDF and is a duplicate of claim 10725-01275. The claim was erroneously filed twice. Claim 10725-01275 was disallowed per objection to claims filed in the wrong debtor case.	10725-01275	48,047.32
10725-01276-2	Everett, Dan & Sandra M 921 Crystal Court Foster City, CA 94404	50,000.00	Claim 10725-01276-2 is based on an investment in Huntsville (West Hills Park Joint) and is a duplicate of claim 10725-01276. The claim was erroneously filed twice. Claim 10725-01276 has been resolved per an order disallowing claims based on the Huntsville (West Hills Park Joint) loan.	10725-01276	50,000.00
10725-01679-2	Westbrook, Connie 14320 Ghost Rider Dr Reno, NV 89511	169,880.86	Claim 10725-01679-2 is based on investments in Brookmere/Matteson \$27,050,000, Cabernet Highlands, LLC, HFA- Clear Lake LLC, and Wasco Investments LLC and is a duplicate of claim 10725-01679. The claim was erroneously filed twice. Claim 10725-01679 was replaced by claim 10725-1922.	10725-01679	169,880.86

¹Claim may have been disallowed or allowed by order of this Court.